Date: 6-14-2012

Dear planning commission members,

My name is Leland Rosenlund living at 19675 SE 24th Way Sammamish WA 98075 and my wife Sharon Rosenlund would like to submit this written statement that we agree with the AMEC EHNSWB report comments compiled by James Osgood. We are neighbors to James and Susan and have the same concerns regarding the overlay map that has impacted our ability to do anything with our property. We have lived in the Sammamish area for close to 40 years and are very disappointed in the decisions that have taken our ability to do anything with our property. I would like to highlight points 10 and 11 and extend James invitation for any of the commissioners to visit our property first hand. I ask that you would give me a call so I could meet with you in person to walk the property. Thank you for your time and consideration in the matter.

Regards, Leland and Sharon Rosenlund

Cell 425-890-5090

EXHIBIT NO. 142

James Osgood
19661 SE 24th Way
Sammamish, WA 98075

June 14, 2012

AMEC EHNSWB Report Comments

1. There needs to be a balanced approach in insuring Lake Sammamish is protected from increased sediment and chemicals resulting from erosion. Comment 123 from GFK consulting outlines a plan that will do this and should be carefully reviewed by the commission and staff. If a property owner within the overlay can demonstrate that there is little or no risk of erosion from the improvement or development of their property that will impact Lake Sammamish, they should be allowed to improve or develop their property.

2. Where is the science in the Report? Take a look at the references. BAS is defined as science that has been peer reviewed. I also took a look at the BAS used in 2005 and found that it was related to landslides, stream bed erosion or very general information. Nothing to indicate the need for the extreme measures dictated in the EHNSWB overlay. This was an over-reaching policy decision that was made by the City of Sammamish, not one based upon BAS.

3. Report "AMEC recommends including language stating that qualified consultants, civil engineers, or geologists licensed in the State of Washington, will field locate the extents of the No-Disturbance areas and that the results will be subject to City review and approval." (pg. 9) Unclear: Boundary or properties within boundary?

4. Report recommends redefining where the EHNSWB overlay begins; with a 15% grade (pg. 9). 15% is not a steep slope. The EHNSWB definition assumes steep slopes ("steep valley walls" from current language 21A.50.225.3.a and report pg. 4). BAS defines Steep slopes as a slope of 40% or more. The definition should also include soil types along with XX% slope. There should also be a specified distance and width in which the slope is over XX%.

5. There should also be a redefinition of where EHNSWB ends. Current language: "The downslope boundary of the no-disturbance area is the extent of those areas designated as erosion or landslide hazard areas." Redefine as the point where the slope is XX% or less for a specified distance, erosive soils end or the extent of those areas designated as erosion or landslide hazard areas. It should also be related to the natural flow of water from the site.

6. Much of the current EHNSWB is not steep slopes and the water flow is not directed towards steep slopes. Shouldn't there be the ability to prove exemption within the

no-disturbance area? What about slopes less than 40% that drain into a City stormwater system?

7. No-disturbance report language misleading "AMEC found this definition to be consistent with other municipalities' descriptions of erosion hazard areas" (pg. 8-9). ***There are no other no-disturbance areas in other statewide municipalities***. All other municipalities permit development in an erosion hazard area subject to generally accepted erosion control methods. This is a policy decision that has been made by the City of Sammamish, not one based upon BAS.

8. Report "Generally, best available science for protecting sensitive resources requires buffers and offsets, and does not support increasing risk associated activities proximate to the resources. For these reasons we do not recommend changing the restrictions of SMC 21A.50.225(pg. 3)(pg. b)." (pg. 9) I did not find any BAS or references in the report that support this. In fact, the DOE has approved 6 technologies for general use for treatment of construction runoff.(pg. 3)

9. A new development that drains to the no-disturbance area must set aside 25 percent of the site as open-space and the imperviousness of the site is limited to 35 percent of the gross site area if they cannot 100% infiltrate. 100% infiltration is generally not possible with our glacial till and hardpan soils types. (Comment 132 Icicle Creek Engineers) Not necessary if drains directly into a City stormwater system.

10. There should also be the ability for the director to allow improvements and/or development if evidence is provided by approved experts that there would be little or no risk of erosion to Lake Sammamish.

11. Finally, I'd like to invite the commissioners to visit, or at least drive by, our general area to see first-hand how this area does not fit into the no-disturbance overlay.

GFK Consulting

Land Development Services

EXHIBIT NO. 143

June 13, 2012

City of Sammamish Planning Commission and Staff,

My colleagues and I have been contacted by several property owners who own land along the east side of Lake Sammamish within the City of Sammamish's Erosion Hazard Overlay. That land, in large part, contains slopes between 15 and 30% and has been designated a "No Disturbance Area" where all development has been precluded.

As I noted in my presentation last month, it is our position that this land, outside of any steep slope areas, can be safely developed without causing any erosion impacts or adverse effects on Lake Sammamish by implementing current stormwater management and erosion control methods in full compliance with state and local standards.

We have been asked to evaluate and comment on the most recent Best Available Science summary prepared by AMEC as it relates to the Erosion Hazard Overlay.

In their "*Streams and Fish and Wildlife Habitat Conservations Areas*" Best Available Science summary prepared for the City, AMEC summarizes a series of physical and biological functions that take place within a wetland or stream buffer. These are broadly summarized:

- Water quality and sediment removal
- Water temperature
- Woody debris recruitment
- Wildlife habitat

These qualities were measured and assessed scientifically and their relative values used to determine the buffer widths necessary to adequately protect wetlands and streams. This data was well presented and evaluated in AMEC's paper.

In contrast, AMEC's "*Erosion Hazard Areas & Erosion Hazards Near Sensitive Water Bodies"* contains no assessment of the scientific need for the "No Disturbance" regulations. Instead, AMEC simply makes the following statement in regard to the "No-Disturbance" requirement within the Erosion Hazard Overlay:

> *"Generally, best available science for protecting sensitive resources requires buffers and offsets, and does not support increasing risk-*

associated activities proximate to the resources. For these reasons we do not recommend changing the restrictions of SMC 21A.50.225(3)(b)"

This statement does not provide the scientific justification required by the Growth Management Act for imposing a no-build standard across significant areas of land. The fact that science supports specific buffer widths on certain classifications of streams and wetlands does not, by itself, provide any scientific justification for imposing a vast "no build buffer," in many cases 1,300 to 2,000 feet in width, across lands designated in the Erosion Hazard Overlay. There is simply no support for AMEC's implication that *buffers themselves are the science.*

In my prior letter, I concluded that contemporary erosion control methods would be sufficient to protect Lake Sammamish from development activities. In their paper AMEC agrees that this may be possible, but asserts that the risks to the lake would be too great to allow such an approach. AMEC provides no legal or scientific basis for implying that best available science requires avoiding all risk to sensitive resources. If that were the legal standard imposed by the Growth Management Act, jurisdictions would need to stop all development. Rather, best available science can be appropriately and legally applied to allow reasonable, well regulated development to occur that meets the GMA standards for the protection of critical areas.

AMEC fails to mention in its report that no other jurisdiction within the Lake Sammamish watershed has imposed the drastic no-build zone that Sammamish has done. Nor does AMEC explain that other large projects have been approved and developed in the Lake Sammamish watershed without causing adverse water quality impacts to the lake.

For example, immediately to the south, in the City of Issaquah, two large projects, Talus (168 acres) and Issaquah Highlands (490 acres) have been developed over the last 10-15 years and include areas of similar soils and slopes to those found in the Sammamish Erosion Hazard overlay. In fact, erosion hazard areas for these two projects are defined exactly the same within their development agreements as in the Sammamish code, the difference is that work was allowed within those areas under enhanced TESC methods and management. Both of these projects are close to and tributary to Lake Sammamish.

According to the AMEC report, the key concern with Lake Sammamish water quality is the transport of phosphorous from sediment loading during development. Phosphorous may be transported to Lake Sammamish from anywhere in the basin and is not limited to sites immediate adjacent to the lake. The Talus and Issaquah Highlands projects were authorized to develop and there is no evidence that phosphorous in the lake has increased as a result of these developments. In fact, the water quality data for Lake Sammamish, which

AMEC failed to provide in its report, shows a continued decrease in phosphorous in the lake and that phosphorous levels meet the water quality standards that have been established for the lake.

Rob Zisette, a limnologist and principal scientist with Herrera, will be making his own presentation to the Planning Commission to explain the science regarding phosphorous and the health of Lake Sammamish. We ask the staff and Planning Commission to consider the science he will provide, which supports revising the Erosion Hazard Overlay to eliminate the "No Disturbance" requirements and, in its place, establishing regulatory requirements that allows development to occur in a manner that adequately manages and controls erosion.

Finally, Lake Sammamish is listed as a Major Receiving Water in table 1.2.3.B in the 2009 King County SWDM and as such, does not require level 2 flow control for a stormwater discharge directly into it. We wonder why AMEC is requiring this.

I appreciate your attention to these matters and ask that you call if you have any questions.

Greg Krabbe, PE
President, GFK Consulting Inc.

Cc Brent Carson, JD, VanNess Feldman GordonDerr